

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL)	
PAP, AND MECHANICAL VENTILATOR)	Master Docket: Misc. No. 21-1230
PRODUCTS LITIGATION,)	
)	MDL No. 3014
)	
This Document Relates to: Medical Monitoring)	
Track)	

**CONSENT MOTION FOR ORDER COMPELLING DISCOVERY RESPONSES
FROM MEDICAL MONITORING PLAINTIFFS HUGO BARRAGAN, DENNIS
CALING, BRUCE GINSBERG, JILL LEAVENWORTH, PATRICIA RAGLAND, AND
AARON TAYLOR**

Medical Monitoring Plaintiffs and Defendant Philips RS North America LLC
("Philips RS" and collectively with Medical Monitoring Plaintiffs, the "Parties"), by and through
their undersigned counsel, hereby submit this consent motion requesting as follows:

1. Plaintiffs Hugo Barragan, Dennis Caling, Bruce Ginsberg, Jill Leavenworth, Patricia Ragland, and Aaron Taylor (herein "Plaintiffs") are named Plaintiffs in the Consolidated Second Amended Class Action Complaint for Medical Monitoring (ECF 815).

2. On January 11, 2023, Philips RS served its First Requests for Production of Documents ("Requests") and its First Interrogatories ("Interrogatories") directed to Medical Monitoring Plaintiffs.

3. Plaintiffs served objections and responses to the Requests on February 10, 2023.

4. Mr. Caling, Mr. Ginsberg, and Mr. Taylor served responses to the Interrogatories on March 6, 2023. Mr. Barragan and Ms. Ragland served responses to the Interrogatories on March 10, 2023. Ms. Leavenworth served responses to the Interrogatories on April 10, 2023.

5. Following a series of meet and confers related to alleged deficiencies in Medical Monitoring Plaintiffs' responses to Philips RS's Requests and Interrogatories, which occurred both with and without the assistance of Special Master Carole Katz, Medical Monitoring Plaintiffs agreed to amend their responses to Requests 1-7, 11-13, 15, 16-30, 32-35, and 39-40 ("Amended Responses to Requests") and agreed to amend their responses to Interrogatory Nos. 2, 3, 4, 5, 7, and 8 ("Amended Responses to Interrogatories") on or before August 30, 2023.

6. After additional meet and confers with and without the assistance of Special Master Katz, Medical Monitoring Plaintiffs agreed to amend their responses to Interrogatory Nos. 1(e), 6,¹ and 9 ("Second Amended Responses to Interrogatories") on or before November 2, 2023 and agreed to amend their responses to Requests 9-10, 21, and 23-25 on or before December 8, 2023 ("Second Amended Responses to Requests").

7. With the exception of Ms. Ragland, the balance of Medical Monitoring Plaintiffs served their Amended Responses to Requests and Amended Responses to Interrogatories.

8. To date, Ms. Ragland has not served her Amended Responses to Requests or Amended Responses to Interrogatories and has requested an additional thirty (30) days to finalize and serve those amended responses.

9. Philips RS's counsel agreed to provide Ms. Ragland with an additional thirty (30) days to serve her Amended Responses to Requests and Amended Responses to Interrogatories, subject to entry of an Order implementing the deadline.

¹ Medical Monitoring Plaintiffs agreed to provide certain information in response to Interrogatory No. 6 while maintaining their objections to the balance of the request.

10. Additionally, with the exception of Mr. Ginsberg, Ms. Leavenworth, Ms. Ragland, and Mr. Taylor, the balance of Medical Monitoring Plaintiffs served their Second Amended Responses to Interrogatories.

11. To date, Mr. Ginsberg, Ms. Leavenworth, Ms. Ragland, and Mr. Taylor have not served their Second Amended Responses to Interrogatories and have requested an additional thirty (30) days to finalize and serve those amended responses.

12. Philips RS's counsel agreed to provide Mr. Ginsberg, Ms. Leavenworth, Ms. Ragland, and Mr. Taylor with an additional thirty (30) days to serve their Second Amended Responses to Interrogatories, subject to entry of an Order implementing the deadline.

13. Additionally, with the exception of Mr. Barragan, Mr. Caling, and Ms. Ragland, the balance of Medical Monitoring Plaintiffs served their Second Amended Responses to Requests.

14. To date, Mr. Barragan, Mr. Caling, and Ms. Ragland have not served their Second Amended Responses to Requests and have requested an additional thirty (30) days to finalize and serve those amended responses.

15. Philips RS's counsel agreed to provide Mr. Barragan, Mr. Caling, and Ms. Ragland with an additional thirty (30) days to serve their Second Amended Responses to Requests, subject to entry of an Order implementing the deadline.

16. Counsel for the Parties agree that should Mr. Barragan, Mr. Caling, Mr. Ginsberg, Ms. Leavenworth, Ms. Ragland, or Mr. Taylor fail to respond by the 30-day deadline, this will result in that individual's dismissal from this action upon notice to the Court of his or her failure to respond.

17. This Motion does not address any asserted objections or asserted deficiencies in the Medical Monitoring Plaintiffs' discovery responses, all of which are reserved, including those addressed in Special Discovery Master Katz's Report and Recommendation (ECF 2340) and any objections thereto.

18. Accordingly, the Parties submit this Consent Motion and ask this Court to enter the attached Order directing that (i) Patricia Ragland amend her responses to Requests 1-7, 9-10, 11-13, 15, 16-30, 32-35, and 39-40 and to Interrogatory Nos. 1(e) and 2-9 within thirty days; (ii) Bruce Ginsberg, Jill Leavenworth, and Aaron Taylor amend their responses to Interrogatory Nos. 1(e), 6, and 9 within thirty days; and (iii) Hugo Barragan and Dennis Caling amend their responses to Requests 9-10, 21, and 23-25 within thirty days.

Dated: January 12, 2024

STIPULATED AND AGREED TO BY:

/s/ Wendy West Feinstein

John P. Lavelle, Jr., Esquire

Lisa M. Dykstra, Esquire

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103-2921

T 215.963.5000

john.lavelle@morganlewis.com

lisa.dykstra@morganlewis.com

Wendy West Feinstein, Esquire

MORGAN, LEWIS & BOCKIUS LLP

One Oxford Center, 32nd Floor

Pittsburgh, PA 15219-6401

T 412.560.3300

wendy.feinstein@morganlewis.com

Counsel for Defendant Philips

RS North America, LLC

/s/ Sandra Duggan

Sandra Duggan, Esquire

LEVIN SEDRAN & BERMAN

510 Walnut Street

Ste 500

Philadelphia, PA 19106

215-592-1500

215-592-4663 (fax)

sduggan@lfsblaw.com

/s/ Christopher A. Seeger

Christopher A. Seeger, Esquire

SEEGER WEISS LLP

55 Challenger Road 6th Floor

Ridgefield Park, NJ 07660

212-584-0700

cseeger@seegerweiss.com

/s/ Kelly K. Iverson

Kelly K. Iverson, Esquire

LYNCH CARPENTER, LLP

1133 Penn Avenue, 5th Floor

Pittsburgh, PA 15222
412-322-9243
kelly@lc LLP.com

/s/ Steven A. Schwartz
Steven A. Schwartz, Esquire
**CHIMICLES SCHWARTZ KRINER &
DONALDSON-SMITH**
361 West Lancaster Avenue
One Haverford Centre
Haverford, PA 1904
610-642-8500
steveschwartz@chimicles.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2024, the foregoing document was electronically filed with the Clerk of the Court and served upon counsel of record through the Court's ECF system.

/s/ Wendy West Feinstein
Wendy West Feinstein